



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**SUBDIVISION REVIEW BOARD**

*Promoting the wise use of land  
Helping build great communities*

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| <b>MEETING DATE</b><br>August 3, 2015  | <b>CONTACT/PHONE</b><br>Megan Martin, (805)781-4163<br>mamartin@co.slo.ca.us | <b>APPLICANT</b><br>Dioselina LeBlanc        | <b>FILE NO.</b><br>CO14-0099<br>SUB2014-00027 |
| <b>SUBJECT</b><br>Hearing to consider a request by <b>DIOSELINA LEBLANC</b> for a Tentative Parcel Map (CO14-0099) to subdivide an existing approximately two (2) acre parcel into two parcels of one (1) acre each, for the purpose of sale and/or development. Also to be considered is an adjustment to the design criteria required by Section 21.03.010 that limits the depth of a parcel to no more than three times the average width of a parcel. The parcel map will include site disturbance associated with fronting road improvements, utility trenching and potential disturbance for drainage improvements. The site is currently developed with an existing primary single family residence, secondary manufactured residence, and workshop. The site lies at the northeast corner of Osage Street and Pajaro Lane in the community of Nipomo. The site is within the South County Inland sub area of the South County Planning Area. |  |  |   |
| <b>RECOMMENDED ACTION</b><br>Approve Tentative Parcel Map CO14-0099 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.  |  |  |   |
| <b>ENVIRONMENTAL DETERMINATION</b><br>A Class 15 Categorical Exemption (ED14-107) was issued on October 27, 2014.  |  |  |   |
| <b>LAND USE CATEGORY</b><br>Residential Suburban   | <b>COMBINING DESIGNATION</b><br>None applicable                              | <b>ASSESSOR PARCEL NUMBER</b><br>092-473-035 | <b>SUPERVISOR DISTRICT(S):</b> 4              |
| <b>PLANNING AREA STANDARDS:</b><br>Section 22.98.070 South County Planning Area – South County Sub-Area standards<br>Section 22.108.040 Nipomo Community Standards   |  |  |   |
| <b>LAND USE ORDINANCE STANDARDS:</b><br>Section 21.03.010 – Design Criteria – Factors to be considered<br>Section 21.03.020 – Adjustments<br>Section 21.09.010 – Quimby Fees<br>Section 22.12.080 – Inclusionary Housing Fee<br>Section 22.22.070 – Minimum Parcel Size – Residential Suburban land use category<br>Section 22.10.140 – Setbacks   |  |  |   |
| <b>EXISTING USES:</b><br>Single family residence, secondary dwelling, workshop   |  |  |   |
| <b>SURROUNDING LAND USE CATEGORIES AND USES:</b><br>North: Residential Suburban/ Residences<br>South: Residential Suburban / Residences<br>East: Residential Suburban / Residences<br>West: Residential Suburban / Residences  |  |  |   |
| <small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT:<br/>COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</small>   |  |  |   |

|  |                                       |
|--|---------------------------------------|
| OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:<br>The project was referred to: Public Works, Environmental Health, General Services/Parks, Nipomo CSD, South County Advisory Council |                                       |
| TOPOGRAPHY:<br>Generally level   | VEGETATION:<br>Ornamental landscaping |
| PROPOSED SERVICES:<br>Water supply: Community system (Golden State Water)<br>Sewage Disposal: Individual septic system<br>Fire Protection: Cal Fire                              | ACCEPTANCE DATE:<br>April 21, 2015    |

**BACKGROUND:**

The site is located within the Nipomo Urban Reserve Line at the northeast corner of Pajaro Lane and Osage Street in the South County planning area. The site is developed with a primary residence, secondary residence (manufactured home) and a workshop.

**ORDINANCE COMPLIANCE:**

**Title 21 Real Property Division Ordinance**

*Quimby Fees*

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing, park or recreational facilities to serve the land division. Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.

*Design Standards*

The proposed parcel and site design would be consistent with the design criteria set forth in Chapter 3 of the Title 21 of the Real Property Division Ordinance; except, the depth to width ratio of the parcel would exceed three times the average width to depth ratio allowed. The applicant is requesting an adjustment from the design criteria to allow for a width to depth ratio of 4:1 to accommodate the location of existing structures on the site.

*Adjustments*

The average depth of a parcel shall be no greater than three times the average width of a parcel. Under certain conditions, the planning commission or subdivision review board may approve an adjustment to this requirement pursuant to Section 21.03.020 of this title. Any adjustment request to the standards set forth in 21.03.010 must make each of the following findings:

- (1) That there are special circumstances or conditions affecting the subdivision; and
- (2) That the granting of the adjustment will not have a material adverse effect upon the health or safety of persons residing or working in the neighborhood of the subdivision; and
- (3) That the granting of the adjustment will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the subdivision.

*Staff Response: The proposed division would result in the configuration of two parcels with depths greater than three times the average width of a parcel (approximately 4:1 depth to width ratio.) The subject site is currently developed with a primary residence, secondary residence, and a workshop. The proposed division and configuration is the only configuration that would not otherwise require the demolition of the workshop on site. The alternative configurations would require bonding for the demolition of the workshop because the resulting configuration would place the workshop on its own parcel. This would create an illegal and non-conforming use of the property because the workshop would be an accessory use without a primary use established on the newly created parcel.*

*The applicant is requesting an adjustment from the design criteria which requires the average depth of a parcel to be no greater than three times the average width of the parcel. It appears there are special circumstances and conditions (location of existing structures) affecting the property that would allow for the adjustment. Granting the adjustment would not adversely affect the health or safety of persons in the neighborhood and it would not be materially detrimental to the public welfare or injurious to other property.*

### **Title 22 County Land Use Ordinance**

#### *Setbacks*

Section 22.10.140 of the Land Use Ordinance establishes minimum setbacks for buildings. All residential uses shall have a minimum front setback of 25 feet. Side setbacks within an urban and village area shall have a minimum 30 foot setback on sites of one acre or larger. A smaller setback may be granted using the adjustment provided in Section 22.54.020(F). The minimum rear setback is 30 feet on sites of one acre or larger.

*Staff Response: The existing residences (primary and secondary) and workshop on site will remain consistent with setback requirements from the newly proposed parcel lines. The remaining parcels will have adequate buildable area and any new residence or accessory use will be required to meet the applicable setbacks through building permit review.*

#### *Minimum Parcel Size*

Section 22.22.070 of the Land Use Ordinance establishes standards for determining minimum parcel sizes in the Residential Suburban land use category. The standards are based on the topography of the site and the type of water supply and sewage disposal. Minimum parcel size is based on the largest parcel size as calculated by tests. The proposed parcels meet all requirements for 1 acre parcels as follows:

| TEST                             | STANDARD   | MINIMUM PARCEL SIZE |
|----------------------------------|--|---------------------|
| Slope                            | Average slope is between 0 and 15%               | 1 acre              |
| Water Supply and Sewage Disposal | Community water (Golden State)<br>On-site septic | 1 acre              |

#### *Inclusionary Housing Fees*

Title 29, the Affordable Housing Fund, establishes an in-lieu fee to create a fund that would help to meet, in part, the housing needs of the County's very low, low, moderate income and workforce households. Section 22.12.080 of Title 22, the Land Use Ordinance, describes the options the applicant may choose to satisfy the requirement.

*Staff Response: The proposed project is exempt from payment of inclusionary housing fees per Land Use Ordinance Section 22.12.080(B)(2)(k) because the division of land will result in fewer than one vacant parcel. (Both resulting parcels are currently developed with once residence each, thus no vacant but developable lots are proposed.)*

#### PLANNING AREA STANDARDS:

##### **22.98.070 – South County Sub-Area**

**Circulation planning. Public right-of-way dedications.** Applications for land divisions or Conditional Use Permits shall provide an offer of dedication for public streets, bikeways and pathways where necessary to mitigate the impacts of the project and to implement the Circulation Element and the Parks and Recreation Element.

*Staff Response: The project, as conditioned, is required to provide an offer of dedication on both Pajaro Lane and Osage Street.*

**Driveways – New land divisions.** New land divisions shall include, where possible, design provisions for combining driveways and private access roads serving proposed parcels from collector or arterial roads wherever terrain and adequate sight distance on the public road allow.

*Staff Response: The existing parcel currently has two driveways to serve the existing residences on the property. The division may require an additional driveway based on the parcel configuration, however, to the greatest extent feasible, the applicant has agreed to consider combining driveways to access any future development on the property.*

**Equestrian, pedestrian and bike paths - Conditional Use Permits and New Land Divisions.** Safe and site-sensitive equestrian, pedestrian and bicycle circulation facilities shall be provided in projects subject to Conditional Use Permits and new land divisions where feasible either within the street right-of-way or in separated locations as illustrated in Figure 98-18 subject to the County Parks and Recreation Element. Unless determined to be infeasible or to result in significant effects on the environment, density may be calculated in such new land divisions on the basis of gross site acreage when such facilities are provided, instead of net site acreage as otherwise required by this Title.

*Staff Response: The proposed division, as conditioned, is required to provide a 10-foot easement along Osage Street as required by the Parks Department for implementation of the County Parks and Recreation Element for providing equestrian, pedestrian and bike paths.*

##### **22.108.040 – Nipomo Community Standards**

There are no applicable standards within the Nipomo Community Standards that apply to the proposed division.

#### COMMUNITY ADVISORY GROUP COMMENTS:

The South County Advisory Council met at a regular meeting on November 24, 2014 and had no issues with the proposed division.

AGENCY REVIEW:

**Public Works** – “Map requires corrections and additional information as indicated on attached checklist. Street improvements and road improvement fees are required.” (Doug Rion, October 23, 2014 and Glenn Marshall, June 29, 2015.)

*Staff Response: The applicant made the required corrections as indicated by the County Surveyor. All other Public Works comments have been included as conditions of approval provided in Exhibit B – Conditions of Approval.*

**Environmental Health** – “Applicant has not obtained a preliminary health clearance letter and must do so. Undeveloped parcel will need soils testing to demonstrate on-site wastewater suitability prior to recordation” (Leslie Terry, November 4, 2014.)

*Staff Response: The applicant contacted Golden State Water Company and obtained an intent to serve letter on November 13, 2014. This information was forwarded to Environmental Health and a preliminary health clearance letter was received on July 7, 2015. In regards to the soils testing, the proposed parcel map will create two parcels with one existing dwelling on each. New septic will not be required at this time; however, should parcel 1 in the future decide to build a secondary dwelling, the applicant will need to provide soils testing to demonstrate on-site wastewater suitability at the time of building permit application.*

**County Parks** – “A 10 foot wide trail easement along lot frontage on Osage street and pay quimby fees.” (Elizabeth Kavanaugh, November 5, 2015.)

*Staff Response: The project, as conditioned, will be required to provide the 10 foot wide trail easement along Osage street frontage and to pay quimby fees.*

**Golden State Water Company** – Golden State Water Company issued an intent to serve to the applicant on November 13, 2014.

LEGAL LOT STATUS:

The one existing parcel was legally created by a recorded map, Parcel Map CO 75-413, Parcel #A (Book 21 of Parcel Maps, Page 16) at a time when that was a legal method of creating parcels.

Staff report prepared by Megan Martin and reviewed by Terry Wahler and Steve McMasters.